

## **Restrictions Don't Work**

**By Michael Buncher, Esq.**

As well intentioned as residency restrictions on New Jersey's sexual offenders may be, there is nothing to show that these laws reduce sex crimes. Rather, they create far more problems than they solve. Offenders lose housing and jobs and become far more difficult for law enforcement to track and supervise. As a result, these well-meaning laws may actually provoke the exact opposite effect they seek to prevent by making our communities less – not more – safe.

The basic premise of residency restrictions is flawed. They are thought to protect us by keeping sexual offenders away from areas children frequent. However, the vast majority of sexual crimes, 87%, are committed by persons not previously convicted of a sex offense, so residency restrictions have no impact on these crimes. Moreover, 86% of sexual offenses occur by persons known to the victim – relatives or acquaintances who have access to a child and are not impeded by residency restrictions. In the overwhelming number of cases, only good parental supervision can prevent offenses, not a government mandate.

Another flaw is residency restriction laws are thought necessary because the media tell us “all sex offenders re-offend.” However, a recent National Institute of Justice funded study examining New Jersey's released offenders from 1990 to 2000 determined that just 8.9% of the former offenders were rearrested for a subsequent sexual crime.

A third flaw is that research shows no correlation between residency restrictions

and reduced sex offenses against children. Whether an offender lives 200 or 2000 feet from a school makes no difference to community safety. What does make a difference is already occurring: the ongoing monitoring of offenders by Parole Officers who are empowered to dictate – potentially for life – where these offenders can live and work.

While residency restriction laws do not impact children's safety, we know they contribute to the very problems which increase sex offender recidivism.

Researchers know that a stable lifestyle is essential to reducing crime in general, including sex offenses. Yet residency restrictions decrease overall stability – they cause homelessness and joblessness, increase an offender's isolation, lead to financial and emotional stress, separate offenders from supportive family and friends, and force offenders into more remote areas where treatment opportunities are scarce. The resulting depression, anger and hostility can trigger sex crimes. Thus, residency restrictions lead to an outcome opposite of their promised result.

This view is shared in Colorado, Minnesota, and Kansas, where officials studied the issue closely. In Iowa, after prosecutors witnessed the homelessness, unemployment and instability which followed in the wake of the state's sex offender residency restriction law, they reported that the restrictions drove formerly stable offenders "underground." Law enforcement lost track of half their registered sex offenders; that "compromised the safety of children." National and state victims' advocacy groups call these laws "shortsighted."

Imposing residency restrictions on New Jersey's sexual offenders is poor public policy. Whatever minimal benefit is gained from these laws is far outweighed by the multiple problems they cause.

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